

**CRIMINAL CAUSE FOR  
MEDIATION HEARING**

**BEFORE: ANNE Y. SHIELDS**  
**UNITED STATES MAGISTRATE JUDGE**

**DATE: 5/14/2019**  
**TIME: 1:00 p.m.**

**DOCKET # :** **CR-13-607-JFB-AYS**

**CAPTION:** ***U.S.A. -v- Kenner, et al***

**Plaintiff:**

Matthew Haggans  
Madeline O'Connor  
Diane Leonardo

**Defendant:**

Dorian Martin, George Kostolampros, Kelly Weiner for Danske Bank  
Thomas McC. Souther for Ken Jowdy and DCSL Parties  
Kevin P. Mulry for DCSL Parties  
Marc Wolinsky for a Group of Homeowners  
Philip Kenner (pro se)

COURTROOM DEPUTY: JT

FTR:1:21-1:46, 3:03-3:39

**OTHER:** Pursuant to the suggestion of the District Court, this Court presided over a mediation held in open court with the Defendant and counsel for interested third parties present. The mediation followed a meeting between the government and counsel for third parties. That meeting followed the hearing before the District Court, and did not result in any agreement as to the language of a proposed order of forfeiture and/or an appraisal and interlocutory sale of assets subject to forfeiture. In particular, counsel reached no agreement as to the scope of any forfeiture in this proceeding. This Court reviewed counsels' positions as set forth in letters to the Court, and in argument held before this Court. The Court also afforded counsel additional time in which to confer and agree upon language in a proposed order of forfeiture. Counsel could not agree on particular language. This Court concluded the mediation with a mediator's recommendation as

set forth on the record, for counsel to consider. That recommendation includes adding language to the proposed order providing that the Government would not seize the Resort prior to entry of a final order of forfeiture and that the Resort would continue to function as it has since entry of prior orders of the Court. This language was amenable to the Government. This Court, as mediator, also recommended that after entry of a preliminary order of forfeiture, the parties continue to negotiate a possible interlocutory sale, and that the Government collaborate with the third parties with respect to the hiring of an appraiser. Ultimately, however, counsel could not reach agreement as to language of an order of forfeiture or proceedings with respect to an interlocutory sale.

